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THIRD COMMITTEE
Agenda item 112 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING
ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Angola, Argentina, Armenia, Australia, Austria, Belarus, Belgium,
Bosnia and Herzegovina, Bulgaria, Canada, Cape Verde, Costa Rica,
Czech Republic, Denmark, El Salvador, Finland, France, Georgia,
Honduras, Hungary, Iceland, Ireland, Israel, Italy,
Liechtenstein, Monaco, Panama, Paraguay, Portugal, Romania,
Russian Federation, Slovakia, Slovenia, South Africa and
Sweden: draft resolution

Human rights in the administration of justice

The General Assembly,

Recalling its resolution 48/137 of 20 December 1993, and taking note of Commission on Human Rights resolution 1995/41 of 3 March 1995 on human rights in the administration of justice, in particular of children and juveniles in detention,

Bearing in mind the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights ^{1/} and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto, ^{2/} in particular article 6 of the Covenant, which explicitly states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age,

^{1/} Resolution 217 A (III).

^{2/} See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

Bearing in mind also the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 3/ the International Convention on the Elimination of All Forms of Racial Discrimination 4/ and the Convention on the Rights of the Child, 5/

Mindful of the Convention on the Elimination of All Forms of Discrimination against Women, 6/ in particular of the obligation of States to treat men and women equally in all stages of procedures in courts and tribunals,

Calling attention to the numerous international standards in the field of the administration of justice,

Recognizing that the rule of law and the proper administration of justice are important elements for sustainable economic and social development and play a central role in the promotion and protection of human rights,

Welcoming the important work of the Commission on Human Rights and of the Subcommission on Prevention of Discrimination and Protection of Minorities in the field of human rights in the administration of justice, in particular regarding the independence of the judiciary, the independence of judges and lawyers, the right to a fair trial, habeas corpus, human rights and states of emergency, the question of arbitrary detention, the human rights of juveniles in detention, the privatization of prisons and the question of the impunity of perpetrators of violations of human rights,

Welcoming also Commission on Human Rights resolution 1995/36 of 3 March 1995, on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers,

Welcoming further the important work of the Commission on Crime Prevention and Criminal Justice in the field of human rights in the administration of justice, as reflected, inter alia, in Economic and Social Council resolutions 1995/13 of 24 July 1995, on United Nations standards and norms in crime prevention and criminal justice, and 1995/15 on technical cooperation and interregional advisory services in crime prevention and criminal justice,

Emphasizing the importance of coordinating the activities in this field carried out under the responsibility of the Commission on Human Rights with those under the responsibility of the Commission on Crime Prevention and Criminal Justice,

3/ Resolution 39/46, annex.

4/ Resolution 2106 A (XX), annex.

5/ Resolution 44/25, annex.

6/ Resolution 34/180, annex.

Noting that many human rights violations in the administration of justice are specifically or primarily directed against women and that the identification and reporting of those violations demand special vigilance,

Aware of the specific situation of children and juveniles in detention and their special needs while deprived of their liberty, in particular their vulnerability to various forms of abuse, injustice and humiliation,

1. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;
2. Acknowledges that the administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession in full conformity with applicable standards contained in international human rights instruments, are essential to the full and non-discriminatory realization of human rights and indispensable to democratization processes and sustainable development;
3. Reiterates, once again, its call on all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure full implementation of those standards;
4. Appeals to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to the promotion and protection of human rights;
5. Invites Governments to provide training in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers and other professionals concerned, including police and immigration officers;
6. Encourages States to make use of technical assistance offered by the United Nations programmes of advisory services and technical assistance, in order to strengthen national capacities and infrastructures in the field of administration of justice;
7. Urges the Secretary-General to consider favourably requests by States for assistance in the field of the administration of justice and to strengthen system-wide coordination in this field, in particular between the United Nations programme of advisory services and technical assistance in the field of human rights and the technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme;
8. Invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice, with a view to ensuring the promotion and protection of human rights in the administration of justice;
9. Calls upon Special Rapporteurs, Special Representatives and Working Groups of the Commission on Human Rights to continue to give special attention

to questions relating to the effective protection of human rights in the administration of justice and to provide, wherever appropriate, specific recommendations in this regard, including proposals for concrete measures of advisory services and technical assistance;

10. Acknowledges the important role of the regional commissions, specialized agencies and United Nations institutes in the area of human rights and crime prevention and criminal justice, and of other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field;

11. Invites the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice to coordinate closely their activities relating to the administration of justice;

12. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution, including information on the various forms of assistance provided by the United Nations system, at the request of Governments, in the field of administration of justice;

13. Decides to consider the question of human rights in the administration of justice at its fifty-second session under the item entitled "Human rights questions".



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HUMAN RIGHTS QUESTIONS: COMPREHENSIVE IMPLEMENTATION OF AND
FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION

Albania, Antigua and Barbuda, Armenia, Australia, Austria,
Belarus, Belgium, Belize, Bosnia and Herzegovina, Brazil,
Bulgaria, Colombia, Costa Rica, Cyprus, Denmark, Ecuador,
El Salvador, Estonia, Ethiopia, Finland, France, Georgia,
Germany, Greece, Guyana, Honduras, Hungary, Iceland, Ireland,
Israel, Italy, Kazakhstan, Latvia, Liechtenstein, Luxembourg,
Monaco, Morocco, Norway, Peru, Portugal, Republic of Moldova,
Romania, Russian Federation, Slovakia, Slovenia, Solomon
Islands, Spain, Sweden, Venezuela and Zambia: draft
resolution

Comprehensive implementation of and follow-up to the
Vienna Declaration and Programme of Action

The General Assembly,

Recalling its resolution 48/121 of 20 December 1993, in which it endorsed the Vienna Declaration and Programme of Action, 1/ adopted by the World Conference on Human Rights, held at Vienna in June 1993, as well as its resolution 49/208 of 23 December 1994 on the comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action,

Recalling also Commission on Human Rights resolution 1994/95 of 5 March 1994, 2/ in which the Commission decided to review annually the

1/ A/CONF.157/24 (Part I), chap. III.

2/ Official Records of the Economic and Social Council, 1994, Supplement
No. 4 and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action,

Reaffirming the view of the Conference that the promotion and protection of human rights is a matter of priority for the international community,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and one of the main priorities of the Organization,

Recognizing the urgency of eliminating denials and violations of human rights, as expressed in the Vienna Declaration and Programme of Action,

Convinced that the Vienna Declaration and Programme of Action has to be translated into effective action by States, the competent United Nations organs and organizations and other organizations concerned, including non-governmental organizations,

Noting that the activities envisaged in the Vienna Declaration and Programme of Action add further to the workload and the responsibilities of the United Nations human rights system and that so far only initial steps have been taken towards bridging the gap between resources and the mandated outputs,

Recalling the request of the Conference to the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations,

Welcoming the fact that the call of the Conference for a United Nations system-wide approach to human rights issues has been reflected in the recommendations of major international conferences organized by the United Nations in the economic, social and related fields, in particular the Programme of Action of the International Conference on Population and Development held at Cairo from 5 to 13 September 1994, 3/ the Copenhagen Declaration on Social Development 4/ and the Programme of Action 5/ of the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995 and the Beijing Declaration and the Platform for Action of the Fourth World Conference on Women, 6/ held at Beijing from 4 to 15 September 1995,

Noting the ongoing efforts to ensure a coordinated follow-up to major international conferences in the economic, social and related fields,

3/ A/CONF.171/13, chap. I, resolution 1, annex.

4/ A/CONF.166/9, chap. I, resolution 1, annex I.

5/ Ibid., annex II.

6/ A/CONF.177/20, chap. I, sect. 1.

Recognizing that the interdependence of democracy, development and respect for human rights, as stated in the Vienna Declaration and Programme of Action, requires a comprehensive and integrated approach to the promotion and protection of human rights,

Recalling its resolution 48/141 of 20 December 1993, in which it decided to create the post of United Nations High Commissioner for Human Rights as the United Nations official with principal responsibility for United Nations human rights activities, including coordination of the human rights promotion and protection activities throughout the United Nations system,

Noting that at the first regular session of 1994, of the Administrative Committee on Coordination, in April 1994, the executive heads of all United Nations agencies discussed the implications of the results of the Conference for their respective programmes and committed themselves to supporting the United Nations High Commissioner for Human Rights in the coordination of the United Nations organs, bodies and the specialized agencies whose activities deal with human rights, as set out in General Assembly resolution 48/141,

Noting also that the United Nations High Commissioner for Human Rights has established a permanent dialogue with the United Nations programmes and agencies whose activities deal with human rights in order to maintain systematic exchanges of information, experience and expertise,

Having considered the report of the United Nations High Commissioner for Human Rights, 7/

1. Takes note with appreciation of the report of the United Nations High Commissioner for Human Rights;
2. Endorses the reaffirmation in the Vienna Declaration and Programme of Action of the importance of the promotion of universal respect for, and observance and protection of, all human rights and fundamental freedoms in accordance with the Charter of the United Nations;
3. Reaffirms the views of the World Conference on Human Rights on the urgency of eliminating denials and violations of human rights;
4. Recognizes that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;
5. Calls upon all States to take further action with a view to the full realization of human rights in the light of the recommendations of the Conference;

7/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 36 (A/50/36).

6. Urges all States to continue to give widespread publicity to the Vienna Declaration and Programme of Action in order to promote increased awareness of human rights and fundamental freedoms;

7. Reiterates the request of the Conference that immediate steps be taken to increase substantially the resources for the human rights programme from within existing and future regular budgets of the United Nations;

8. Welcomes with appreciation the work of the United Nations High Commissioner for Human Rights accomplished so far, and expresses its commitment to continue to cooperate with and support the High Commissioner in the discharge of his mandate, as set out in General Assembly resolution 48/141;

9. Requests the United Nations High Commissioner for Human Rights, the General Assembly, the Commission on Human Rights and other organs and bodies of the United Nations system related to human rights to take further action with a view to the full implementation of all the recommendations of the Conference;

10. Also requests the United Nations High Commissioner for Human Rights to continue to coordinate the human rights promotion and protection activities throughout the United Nations system, as set out in General Assembly resolution 48/141, including through a permanent dialogue with the United Nations agencies and programmes whose activities deal with human rights;

11. Invites the Administrative Committee on Coordination to continue to discuss the implications of the Vienna Declaration and Programme of Action for the United Nations system;

12. Recognizes the importance of dialogue and cooperation between Governments and non-governmental organizations in the field of human rights;

13. Requests the United Nations High Commissioner for Human Rights to continue to report on the measures taken and the progress achieved in the comprehensive implementation of the Vienna Declaration and Programme of Action;

14. Decides to consider this question at its fifty-first session under the sub-item "Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action".



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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS,
INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING
THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Argentina, Australia, Canada, Denmark, Finland, Germany, Hungary,
Iceland, Ireland, Italy, Japan, Liechtenstein, Monaco, Poland,
Portugal, Sweden and United States of America: draft resolution

Importance of human rights in the early warning and
prevention of mass exoduses and in the emergency
operations of the United Nations

The General Assembly,

Deeply disturbed by the escalating scale and magnitude of exoduses of
refugees and displacements of population in many regions of the world and by the
human suffering of millions of refugees and displaced persons,

Recalling its previous relevant resolutions, as well as those of the
Commission on Human Rights, particularly resolution 1995/88, and the conclusions
of the World Conference on Human Rights, which recognized that gross violations
of human rights, including in armed conflicts, are among the multiple and
complex factors leading to displacement of people, and the need for a
comprehensive approach by the international community to address root causes and
effects of movements of refugees and other displaced persons and the
strengthening of emergency preparedness and response mechanisms,

Noting that the Secretary-General, in his report entitled "An Agenda for
Peace", 1/ identifies the protection of human rights as an important element

1/ A/47/277-S/24111.

of peace, security and economic well-being and highlights the importance of preventive diplomacy, identifies the linkage between preventive diplomacy and humanitarian assistance and recognizes that preventive diplomacy requires an early warning capacity, and noting also that the Security Council in the statement by its President on the Supplement to the Agenda for Peace 2/ on 22 February 1995, 3/ endorsed the view expressed by the Secretary-General concerning the crucial importance of economic and social development as a secure basis for peace and in preventing conflicts, as in healing the wounds after conflicts have occurred,

Welcoming the decision by the Administrative Committee on Coordination that the inter-agency consultations on early warning regarding new flows of refugees and displaced persons chaired by the Department of Humanitarian Affairs be continued, with the purpose of serving both prevention of, and preparedness for, emergencies,

Welcoming also the initiative by the Department of Humanitarian Affairs of establishing a pilot project of the Humanitarian Early Warning System, with the purpose of identifying potential crises with humanitarian implications through the analysis of its database, and welcoming further the establishment by the Department of Political Affairs, the Department of Peace-keeping Operations and the Department of Humanitarian Affairs of interdepartmental consultations for the joint analysis of early warning of looming crises, within a broader framework for the coordination of operational planning and implementation among the three departments,

Recognizing the important aspects of complementarity between the system for the protection of human rights and humanitarian action, and that humanitarian agencies make an important contribution to the realization of human rights,

Recognizing also that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies has important capabilities to address human rights violations that cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Convinced that the activities of these mechanisms, with a view, inter alia, to preventing mass exoduses and the strengthening of emergency preparedness and response mechanisms should be encouraged and further developed and coordinated, with priority given to the systematization of early warning information collection,

Recognizing that women and children constitute approximately 80 per cent of most refugee populations and that, in addition to the problems and needs they share with all refugees, women and girls in such circumstances are vulnerable to gender-based discrimination and gender-specific violence and exploitation,

2/ A/50/60-S/1995/1.

3/ S/PRST/1995/9.

Welcoming the continuing efforts of the United Nations High Commissioner for Refugees to meet the protection and assistance needs of refugees and other persons of concern to her Office world wide,

1. Takes note with interest of the report of the Secretary-General on human rights and mass exoduses; 4/
2. Invites again all Governments and intergovernmental, humanitarian and non-governmental organizations concerned to intensify their cooperation and assistance in world-wide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and the causes of such exoduses;
3. Encourages States that have not already done so to consider acceding to the 1951 Convention relating to the Status of Refugees and its Protocol of 1967, and other relevant regional refugee instruments and relevant international human rights instruments;
4. Welcomes the statement made by the High Commissioner for Refugees at the fifty-first session of the Commission on Human Rights, in which she emphasized that human rights concerns go to the essence of the cause of refugee movements, as well as to the precepts of refugee protection and the solution of refugee problems;
5. Urges all bodies involved in inter-agency consultations on early warning to cooperate fully in and to devote the necessary resources to the successful operation of the consultations;
6. Welcomes the initiative by the Department of Humanitarian Affairs to establish a pilot project of the Humanitarian Early Warning System, the continuation of the inter-agency consultations regarding new flows of refugees and displaced persons, as well as the establishment of inter-departmental consultations for the joint analysis of early warning of looming crises, within a broader framework for the coordination of operational planning and implementation among the Department of Humanitarian Affairs, the Department of Political Affairs and the Department of Peace-keeping Operations;
7. Welcomes also the contribution made by the Centre for Human Rights of the Secretariat to the development of the Humanitarian Early Warning System of the Department of Humanitarian Affairs;
8. Invites the special rapporteurs, special representatives and working groups of the Commission on Human Rights and the United Nations human rights treaty bodies, to continue seeking information, where appropriate, on problems resulting in mass exoduses of populations or impeding their voluntary return home and, where appropriate, to include such information, together with recommendations thereon, in their reports, and to bring such information to the attention of the High Commissioner for Human Rights;

9. Requests all United Nations bodies, including the human rights treaty bodies, the specialized agencies and governmental, intergovernmental and non-governmental organizations, to cooperate fully with all mechanisms of the Commission and, in particular, to provide them with all relevant information in their possession on the human rights situations creating or affecting refugees and displaced persons;

10. Requests the High Commissioner for Human Rights to pay attention to situations that cause or threaten to cause mass exoduses and to address effectively such situations through emergency preparedness and response mechanisms, including information-sharing with United Nations early warning mechanisms, and the provision of technical advice, expertise and cooperation;

11. Urges the Secretary-General to attach high priority and allocate the necessary resources to the consolidation and strengthening of all United Nations early-warning activities for the purpose of ensuring, inter alia, that effective action is taken to identify all human rights abuses that contribute to mass outflows of persons;

12. Requests the Secretary-General to prepare and submit to the General Assembly at its fifty-second session a report containing detailed information on early warning activities in the United Nations, including detailed information on the programmatic, institutional, administrative, financial and managerial efforts undertaken to enhance the capacity of the United Nations to undertake such activities;

13. Decides to continue its consideration of this question at its fifty-second session.
